

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0074-PWS-E TCEQ ID: RN101176253 CASE NO.: 32268
RESPONDENT NAME: Reza S. Mousavi dba Bernard's Liquor Store

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Bernards Liquor Store, 19307 Hwy 87, Lubbock County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 19, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Team 5, MC R-13, (210) 403-4006; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Reza Mousavi, Owner, Bernard's Liquor Store, 19307 Highway 87, Lubbock, Texas 79423 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 12, 2006</p> <p>Date of NOE Relating to this Case: December 22, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Three violations were observed.</p> <p>WATER</p> <p>1) Failure to provide a sampling tap on the discharge line of each well pump prior to any treatment [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p>2) Failure to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") [30 TEX. ADMIN. CODE § 290.46(d)(2)(A)].</p> <p>3) Failure to maintain records of water works operation activities and failed to provide public water system operating records at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f) and (f)(2)].</p>	<p>Total Assessed: \$312</p> <p>Total Deferred: \$62 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$250</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, commence operating the water system's chlorination facilities to maintain a free chlorine residual of 0.2 mg/L;</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written documentation, as detailed in Ordering Provision d. below, that certifies compliance with Ordering Provision a.;</p> <p>c. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Provide a suitable sampling tap on the discharge line of the well prior to any treatment; and</p> <p>ii. Begin compiling and maintaining a record of water works operation and maintenance activities.</p> <p>d. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c. The certification shall be notarized by a State of Texas Notary Public.</p>

Additional ID No(s): PWS No. 1520208



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	3-Jan-2007	PCW	18-Jan-2007	Screening	18-Jan-2007	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	Reza S. Mousavi dba Bernard's Liquor Store
Reg. Ent. Ref. No.	RN101176253
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	32268	No. of Violations	3
Docket No.	2007-0074-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Amy Martin
Multi-Media		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 25% Enhancement **Subtotals 2, 3, & 7** \$62

Notes Enhancement recommended due to one Notice of Violation ("NOV") for violations that are same or similar and one agreed order containing a denial of liability.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

0% Enhancement* **Subtotal 6** \$0

Total EB Amounts	\$41
Approx. Cost of Compliance	\$1,200

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$312

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$312

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$312

DEFERRAL 20% Reduction **Adjustment** -\$62

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$250

Screening Date 18-Jan-2007

Docket No. 2007-0074-PWS-E

PCW

Respondent Reza S. Mousavi dba Bernard's Liquor Store

Policy Revision 2 (September 2002)

Case ID No. 32268

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101176253

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement recommended due to one Notice of Violation ("NOV") for violations that are same or similar and one agreed order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 18-Jan-2007

Docket No. 2007-0074-PWS-E

PCW

Respondent Reza S. Mousavi dba Bernard's Liquor Store

Policy Revision 2 (September 2002)

Case ID No. 32268

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101176253

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(M)

Violation Description

Failed to provide a sampling tap on the discharge line of each well prior to any treatment.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide a sampling tap on the well could allow contaminants to go undetected resulting in exposure to insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

37 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$62

This violation Final Assessed Penalty (adjusted for limits) \$62

Economic Benefit Worksheet

Respondent Reza S. Mousavi dba Bernard's Liquor Store
Case ID No. 32268
Reg. Ent. Reference No. RN101176253
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	12-Dec-2006	31-Aug-2007	0.7	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost to provide a suitable sampling tap on the discharge pipe. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$18
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Screening Date 18-Jan-2007

Docket No. 2007-0074-PWS-E

PCW

Respondent Reza S. Mousavi dba Bernard's Liquor Store

Policy Revision 2 (September 2002)

Case ID No. 32268

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101176253

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.46(d)(2)(A)

Violation Description

Failed to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L").
Specifically, at the time of the investigation the free chlorine residual was 0.03 mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain an adequate chlorine residual could expose customers to significant amounts of pollutants which would not exceed levels protective of human health or the environment.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

37 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent: Reza S. Mousavi dba Bernard's Liquor Store
Case ID No.: 32268
Reg. Ent. Reference No.: RN101176253
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	12-Dec-2006	31-Jul-2007	0.6	\$16	n/a	\$16

Notes for DELAYED costs

Estimated cost to provide an adequate chlorine residual. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$16
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Screening Date 18-Jan-2007

Docket No. 2007-0074-PWS-E

PCW

Respondent Reza S. Mousavi dba Bernard's Liquor Store

Policy Revision 2 (September 2002)

Case ID No. 32268

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101176253

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f) and (f)(2)

Violation Description

Failed to maintain records of water works operation activities and failed to provide public water system operating records at the time of the investigation. Specifically, the facility did not have any monthly operating reports or tank inspection records available at the time of investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

37 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent: Reza S. Mousavi dba Bernard's Liquor Store
Case ID No.: 32268
Reg. Ent. Reference No.: RN101176253
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	12-Dec-2006	31-Aug-2007	0.7	\$7	n/a	\$7
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$7

Compliance History

Customer/Respondent/Owner-Operator:	CN601445018	MOUSAVI, REZA S	Classification: AVERAGE	Rating: 30.00
Regulated Entity:	RN101176253	BERNARDS LIQUOR STORE	Classification: AVERAGE	Site Rating: 30.00
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1520208
	PETROLEUM STORAGE TANK	REGISTRATION		67439
	REGISTRATION			
ID Number(s):				
Location:	19307 HIGHWAY 87, LUBBOCK, TX, 79423		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 02 - LUBBOCK			
Date Compliance History Prepared:	February 05, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 10, 2002 to January 10, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Amy Martin		Phone:	512-239-2540

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 05/23/2002	ADMINORDER 2001-1377-PST-E
Classification: Moderate	
Citation:	2C TWC Chapter 20, SubChapter A 26.346(a)
	30 TAC Chapter 334, SubChapter A 334.8(c)(4)(B)
	30 TAC Chapter 334, SubChapter A 334.8[G]
Description:	Failure to submit an UST registration and self-certification form to the TNRCC 60 days after 11/23/00.
Classification: Moderate	
Citation:	2C TWC Chapter 20, SubChapter A 26.3467(a)
	30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)
Description:	Failure to make available a valid, current TNRCC delivery certificate before the delivery of a regulated substance into the UST(s) can be accepted.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/14/2003	(253001)
2	11/12/2003	(252420)
3	07/15/2005	(399227)
4	03/18/2005	(374373)
5	12/22/2006	(533465)
6	02/23/2004	(262127)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	03/18/2005	(374373)	
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)		
Description:	Failure to maintain an adequate chlorine residual.		
Self Report?	NO		Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
Description: Failure to provide adequate pressure tank capacity.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
REZA S. MOUSAVI DBA BERNARD'S
LIQUOR STORE
RN101176253

§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0074-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Reza S. Mousavi dba Bernard's Liquor Store ("Mr. Mousavi") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Mousavi appear before the Commission and together stipulate that:

1. Mr. Mousavi owns and operates a liquor store with a public water supply at 19307 Highway 87, Lubbock County, Texas (the "Facility") that has two service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Mr. Mousavi agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Mousavi is subject to the Commission's jurisdiction.
3. Mr. Mousavi received notice of the violations alleged in Section II ("Allegations") on or about December 27, 2006.
4. ~~The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Mousavi of any violation alleged in Section II ("Allegations"), nor of any statute or rule.~~
5. An administrative penalty in the amount of Three Hundred Twelve Dollars (\$312) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Mousavi has paid Two Hundred Fifty Dollars (\$250) of the administrative penalty and Sixty-Two Dollars (\$62) is deferred contingent upon Mr. Mousavi's timely and satisfactory compliance with all the

terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Mousavi fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Mousavi to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Mr. Mousavi have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Mousavi has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Mousavi is alleged to have:

1. Failed to provide a sampling tap on the discharge line of each well pump prior to any treatment, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M), as documented during an investigation conducted on December 12, 2006.
2. Failed to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L"), in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A), as documented during an investigation conducted on December 12, 2006.
3. Failed to maintain records of water works operation activities and failed to provide public water system operating records at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f) and (f)(2), as documented during an investigation conducted on December 12, 2006.

III. DENIALS

Mr. Mousavi generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Mousavi pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Mr. Mousavi's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Reza S. Mousavi dba Bernard's Liquor Store, Docket No. 2007-0074-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Mousavi shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, commence operating the water system's chlorination facilities to maintain a free chlorine residual of 0.2 mg/L, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - b. Within 15 days after the effective date of this Agreed Order, submit written documentation, as detailed in Ordering Provision 2.d. below, that certifies compliance with Ordering Provision 2.a.;
 - c. Within 30 days after the effective date of this Agreed Order:
 - i. Provide a suitable sampling tap on the discharge line of the well prior to any treatment, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - ii. Begin compiling and maintaining a record of water works operation and maintenance activities, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
4630 50th Street, Suite 600
Lubbock, Texas 79414-3520


3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Mousavi. Mr. Mousavi is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Mousavi shall be made in writing to the Executive Director. Extensions are not effective until Mr. Mousavi receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Mousavi in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Mousavi, or three days after the date on which the Commission mails notice of the Order to Mr. Mousavi, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Reza S. Mousavi dba Bernard's Liquor Store
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

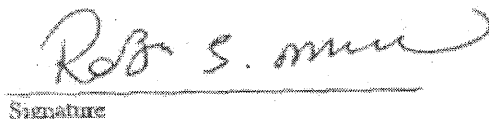
12/14/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

3-30-07
Date

Reza S. Mousavi
Name (Printed or typed)
Authorized Representative of
Reza S. Mousavi dba Bernard's Liquor Store

owner
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

